

In the High Court of Uttarakhand at Nainital.

Criminal Revision No. 71/2004

(Old No. 1429 of 1985)

Smt. Sunehari and another

..Revisionist.

Vs.

Man Singh and three others

....Respondents.

Hon'ble Irshad Hussain, J.

None appear for the revisionists. Heard Sri Nandan Arya learned A.G.A. and perused the record.

This revision under section 397 /401 of the Code of Criminal Procedure was preferred against the judgment and order dated 11.6.1985 passed by the then Munsif Magistrate, Roorkee in criminal case no. 227/1984 under sections 452, 323, 324, 506 I.P.C. The four accused, who were charge-sheeted, were acquitted of the charges levelled against them. The injured revisions were aggrieved by the said judgment and therefore the present revision was preferred.

Perusal of the judgment indicate that the incident was alleged to have taken place on 24.5.1984 at 6 A.M. whereas the F.I.R. was lodged after two days on 27-4-1984 and no plausible explanation of the delay was given by the injured and informant. Not only this there was allegation of severe beating of the two victims namely Smt. Sunehari and Smt. Shimla by wielding Lathis and sickles and further that they were given teeth bites. The medical evidence however run counter to the evidence of these injured witnesses as only minor abrasions were detected on their person and the learned Magistrate finding that there was no corroboration from the medical evidence held the evidence of the injured unreliable.

Considering the inordinate delay in lodging the F.I.R. and want of corroboration from medical evidence, the judgment of acquittal can safely be said to be based on just and proper appraisal of the evidence. Therefore, there is no merit in this revision and the same is hereby dismissed. Consign.

(Irshad Hussain, J.)

Dated: 5-6-2004

ISB